

AMENDED IN SENATE JUNE 10, 2013

AMENDED IN SENATE MAY 13, 2013

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE APRIL 11, 2013

SENATE BILL

No. 637

Introduced by Senator Yee

February 22, 2013

An act to add Chapter 4 (commencing with Section 3300) to Division 3 of the Elections Code, relating to voting, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 637, as amended, Yee. Early voting.

Existing law establishes procedures for voters to apply for a vote by mail ballot and use the ballot to vote in an election. Existing law allows a jurisdiction in which vote by mail ballots are cast to begin processing vote by mail ballots 29 days before the election.

This bill would require the Secretary of State to ~~assist~~ *provide guidance to* local elections officials in performing specified tasks for the purpose of promoting and expanding the practice of early voting, as defined, consistent with specified statutory authority. The bill would define "early voting" to mean voting a vote by mail ballot in person at the office of the elections official or another location designated by the elections official either before or on the day of the election. ~~The bill would require the Secretary of State to report to the Legislature by January 1, 2015, regarding the assistance provided to local elections officials pursuant to the bill and the results achieved by local elections~~

~~officials in promoting and expanding the practice of early voting. This reporting requirement would become inoperative on January 1, 2018.~~

~~The bill would require a local elections official, on a Saturday occurring at least 14 calendar days prior to an election administered by the elections official on at least one Saturday on or after the date the elections official first delivers ballots to vote by mail voters for a statewide election, or for any other election as determined by the elections official based on voter demand, to allow voters to vote in the election by means of early voting at a location that is convenient; the early voting location designated for this purpose, provided that the location is accessible; and complies with disability access requirements under federal and state law. The bill would permit the elections official to determine the hours of operation for the designated early voting location or locations for each Saturday on which early voting is offered, provided that each location shall be open to voters for a minimum of 4 hours on each designated Saturday. These provisions regarding Saturday voting would not apply to all-mailed ballot elections or to all-mailed ballot precincts.~~

By requiring local elections officials to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature in enacting this
- 2 act to make voting more convenient and accessible in order to
- 3 increase voter turnout at elections.
- 4 SEC. 2. Chapter 4 (commencing with Section 3300) is added
- 5 to Division 3 of the Elections Code, to read:

CHAPTER 4. EARLY VOTING

3300. For purposes of this chapter, “early voting” means voting a vote by mail ballot in person at the office of the elections official or another location designated by the elections official either before or on the day of the election.

3301. ~~(a)~~ For purposes of promoting and expanding the practice of early voting consistent with the authority granted by this division, the Secretary of State shall ~~assist~~ *provide guidance* to local elections officials in accomplishing all of the following:

~~(1)~~
(a) Establishing ~~multiple one or more~~ locations for early voting, ~~in addition to the offices of local elections officials which may include the office of the local elections official.~~

~~(2)~~
(b) Notifying voters of *the* early voting *location or* locations ~~in all ballot materials sent to voters and through the use of other promotional materials and methods.~~

~~(3)~~
(c) Ensuring that *the* early voting *location or* locations and *the* procedures *used therein* comply with disability access requirements under federal and state law.

~~(b) In assisting local elections officials pursuant to subdivision (a), the Secretary of State shall consider practices used in other states to provide for voting before the day of the election.~~

~~(c) (1) The Secretary of State shall report to the Legislature by January 1, 2015, regarding the assistance provided to local elections officials pursuant to this section and the results achieved by local elections officials in promoting and expanding the practice of early voting.~~

~~(2) The report required by paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.~~

~~(3) Pursuant to Section 10231.5 of the Government Code, this subdivision shall become inoperative on January 1, 2018.~~

3302. (a) ~~On a at least one Saturday occurring at least 14 calendar days prior to an election administered by a local on or after the date an elections official first delivers ballots to vote by mail voters for a statewide election, or for any other election as determined by the elections official based on voter demand,~~ the elections official shall allow voters to vote *in the election* by means

1 of early voting at ~~a~~ *an early voting location designated for this*
2 *purpose, provided that ~~is convenient~~, the location is accessible;*
3 *and complies with disability access requirements under federal*
4 *and state law. The elections official may determine the hours of*
5 *operation for the designated early voting location or locations for*
6 *each Saturday on which early voting is offered pursuant to this*
7 *section, provided that each location shall be open to voters for a*
8 *minimum of four hours on each designated Saturday.*

9 *(b) Subdivision (a) does not apply to all-mailed ballot elections*
10 *or to a precinct that is authorized to conduct an election in*
11 *accordance with Section 3005.*

12 SEC. 3. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

17 SEC. 4. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or safety within
19 the meaning of Article IV of the Constitution and shall go into
20 immediate effect. The facts constituting the necessity are:

21 In order for elections officials to provide voters with increased
22 opportunities for early voting at the earliest possible election dates,
23 it is necessary that this act take effect immediately.